



Codex Alimentarius Commission: amendments to Statutes

Report of the Secretariat

BACKGROUND

1. The Codex Alimentarius Commission was established by parallel resolutions of the FAO Conference at its Eleventh Session (1961) and the Sixteenth World Health Assembly (1963) which, at the time, approved the Statutes of the Commission and took a number of related decisions.¹ Food standards and other decisions adopted by the Commission, in accordance with the Statutes, were subject to acceptance by individual governments. The procedure for the acceptance of Codex standards by Member States of the Commission, and the consequences thereof, were set out in the Procedural Manual of the Commission.

2. Standards and other decisions adopted by the Commission (e.g. guidelines and codes of practice) are not as such legally binding for the Members of the Commission. However, WTO's Agreement on the Application of Sanitary and Phytosanitary Measures and Agreement on Technical Barriers to Trade recognizes Codex standards, guidelines and recommendations as reference points for international trade within the context of WTO, regardless of their formal acceptance by the States Parties to those agreements. This development consequently casts doubts as to the relevance of the Codex acceptance procedure provided for in the Statutes and other procedural documents of the Codex Alimentarius Commission.

3. Revision of the acceptance procedure to accommodate this new situation and to develop a revised notification scheme was extensively discussed within the Codex Alimentarius Commission in the late 1990s but, at the time, the Commission did not adopt any decision. The question was re-examined in 2004 by the Codex Committee on General Principles. At its Twenty-second Session (Paris, 11-15 April 2005), the Committee recommended to the Codex Alimentarius Commission the abolition of the acceptance procedure, and reviewed in detail the required proposed amendments to the Procedural Manual of the Codex Alimentarius Commission, including the Statutes of the Commission.

¹ Resolution WHA16.42.

4. At its Twenty-eighth Session (Rome, 4-9 July 2005), the Codex Alimentarius Commission agreed, by consensus, with the proposed amendments to the Statutes and recommended their adoption by the FAO Conference and the Health Assembly.¹ On this occasion, the Commission also adopted other consequential amendments to the Procedural Manual. The aforesaid amendments would enter into force only after their approval by the FAO Conference and the Health Assembly.

5. At its Thirty-third Session, the FAO Conference (Rome, 19-26 November 2005), approved the aforementioned amendments to the Statutes of the Codex Alimentarius Commission and noted that the Fifty-ninth World Health Assembly would be considering the proposed amendments.²

ACTION BY THE HEALTH ASSEMBLY

6. The Health Assembly is invited to consider the following draft resolution:

The Fifty-ninth World Health Assembly,

Having considered the report on amendments to the Statutes of the Codex Alimentarius Commission;³

Having considered the recommendation of the Twenty-eighth Session of the Codex Alimentarius Commission that the FAO Conference and the Health Assembly should amend its Statutes by deleting any reference to the procedure of acceptance of standards;

Noting that the above-mentioned amendments shall enter into force only after their approval by both the FAO Conference and the Health Assembly;

Considering that the Thirty-third session of the FAO Conference adopted the amendments to the Statutes of the Codex Alimentarius Commission in accordance with the recommendation made by the said Commission;

APPROVES the amendments to Article 1 of the Statutes of the Codex Alimentarius Commission reproduced in the annex to the present resolution.

¹ In Codex Alimentarius Commission, Twenty-eighth Session Report. Document ALINORM 05/28/41.

² In Report of the Conference of FAO, Thirty-third Session. Document C 2005/REP.

³ Document A59/38.

ANNEX

ARTICLE 1

The Codex Alimentarius Commission shall, subject to Article 5 below, be responsible for making proposals to, and shall be consulted by, the Directors-General of the Food and Agriculture Organization (FAO) and the World Health Organization (WHO) on all matters pertaining to the implementation of the Joint FAO/WHO Food Standards Programme, the purpose of which is:

- (a) protecting the health of the consumers and ensuring fair practices in the food trade;
- (b) promoting coordination of all food standards work undertaken by international governmental and nongovernmental organizations;
- (c) determining priorities and initiating and guiding the preparation of draft standards through and with the aid of appropriate organizations;
- (d) finalizing standards elaborated under (c) above and, ~~after acceptance by governments,~~ publishing them in a Codex Alimentarius either as regional or world wide standards, together with international standards already finalized by other bodies under (b) above, wherever this is practicable;
- (e) amending published standards, ~~after appropriate survey~~ **as appropriate**, in the light of developments.

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